

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CITIBANK, N.A., AS TRUSTEE,)
)
Plaintiff,)
)
v.)
)
JOHN P. PHELAN, WENDY M. PHELAN,)
THE UNITED STATES OF AMERICA,)
O'CALLIGHAN CONSTRUCTION)
COMPANY, AND THE)
COMMONWEALTH OF)
MASSACHUSETTS' DEPARTMENT OF)
REVENUE)
)
Defendants, and)
)
DAVID LA BRIE,)
)
Defendant and Cross-Claimant)

Civil Action No. 4:05-CV-40045-FDS

Defendant and Cross-Claimant David La Brie's Certification

The undersigned confirm that Mr. La Brie and his counsel have conferred (1) with a view to establishing a budget for the costs of conducting the full course — and various alternative courses — for the litigation; and (2) to consider the resolution of litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

Respectfully submitted,

/s/ William M. Palmer

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ATTORNEY FOR DEFENDANT AND
CROSS-CLAIMANT DAVID LA BRIE

/s/ David La Brie

David La Brie
DEFENDANT AND CROSS-CLAIMANT

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of this document was served by first-class mail on this 24th day of August on David M. Rosen, Esq.; Harmon Law Offices, P.C.; 150 California Street; Newton, MA; 02458, and on John J. Curley, Esq.; McEvilly & Curley; 48 West Street; Leominster, MA; 01453.

/s/ William M. Palmer

August 24, 2005

WILLIAM M. PALMER

DATED